

FRIDAY, APRIL 19, 1889.

The Senate met pursuant to adjournment.

President *pro tem.* Kirk in the chair.

The roll was called and the following Senators answered to their names:

Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Brett, Bryant, Coulter, Dismukes, Dunn, Hammond, Hardee, Hendry, Hind, Houston, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Schumacher, Smith, Stapleton, Swearingen, Tuten, Wilkinson and Yancey—26.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

General Young and Colonel Hickey of Pensacola, and Dr. Dancy of Jacksonville, were invited within the bar of the Senate.

On motion of Mr. Smith the courtesies of the Senate were extended to Hon. J. F. Llambias, former member of the House from St. Johns county.

#### INTRODUCTION OF BILLS.

By Mr. Hind:

Senate Bill No. 91:

To be entitled an act to amend an act entitled an act to incorporate the St. Johns River, Lake Weir and Gulf Railroad Company, being chapter 3803, Laws of Florida;

Which was read first time by its title and referred to Committee on Railroads and Telegraphs.

By Mr. Yancey:

Senate Bill No. 93:

To be entitled an act to amend an act to provide for and regulate the payment of costs and expenses in certain cases of criminal prosecutions by the State, approved June 7th, 1887, chapter 3702, Laws of Florida;

Which was read the first time by its title and referred to the Committee on Judiciary.

By Mr. Wilkinson:

Senate Bill No. 94:

A bill to be entitled an act to repeal an act entitled an act to authorize William Miller to stretch a boom across Choc-tawhatchie River;

Which was read the first time by its title and referred to the Committee on Commerce and Navigation.

By Mr. Parkhill:

Senate Bill No. 92:

To be entitled an act to provide for appointment of recorders in and for provisional municipalities, and to define their jurisdiction and powers.

Which was read the first time and referred to Judiciary Committee.

Mr. Houston moved that Mr. Swearingen be added to the Committee on Railroads and Telegraphs;

Which was agreed to, and the addition made.

Mr. Coulter, Chairman of the Committee on Fisheries, submitted the following report:

SENATE CHAMBER,  
TALLAHASSEE, Fla., April 19, 1889. }

HON. J. B. WALL,

*President of the Senate:*

SIR: Your Committee on Fisheries, to whom was referred—

Senate Joint Resolution No. 22:

Relating to the appointment by the Governor of three citizens of this State to examine the oyster beds of this State, as amended,

And beg leave to report that they have examined the same, and recommend that it do pass, with the following amendment, to-wit:

Strike out the words "the same to be paid out of any money in the Treasury not otherwise appropriated."

Very respectfully,

W. R. COULTER,  
Chairman Committee.

Mr. Hind moved that the report be adopted;

Which was agreed to,

And the report was adopted.

Mr. Bielby, chairman of the Committee on Constitution, submitted the following report:

SENATE CHAMBER,  
TALLAHASSEE, Fla., April 19, 1889. }

HON. J. B. WALL,

*President of the Senate :*

SIR: Your Committee on the Constitution, to whom was referred—

Senate Bill No. 21 :

Entitled an act to provide for an amendment to the Constitution of the State of Florida,

Beg leave to report that they have prepared a substitute therefor,

And they recommend that the substitute do pass ; also,  
That they have examined—

Senate Joint Resolution No. 26 :

Entitled Senate Joint Resolution to amend the Constitution so as to provide for ten Circuit Judges, and also to provide that the State shall be divided into ten Judicial Circuits,  
And recommend that the same do pass.

Very respectfully,

C. F. A. BIELBY,  
Chairman Committee.

Mr. Hardee, chairman of the committee to examine and report upon the work done by the Florida Coast Line, Canal and Transportation Company, submitted the following report :

SENATE CHAMBER,  
TALLAHASSEE, Fla., April —, 1889. }

HON. J. B. WALL,

*President of the Senate :*

SIR: The committee appointed under Senate Resolution No. 7, of the special session of the Legislature, "to ascertain the amount of land conveyed and the amount of land held in reserve for the Florida Coast Line Canal and Transportation Company, and to make a thorough investigation of the work done on said course, and whether such work has improved navigation or injured the natural channel of the rivers, bays and lagoons through which the work claims to have been done, and that said committee report its full findings under this resolution to the Senate as soon as practicable after the convening of the Legislature in April next," beg leave to submit the following report :

We find, from the records of the Land Office, that the trustees of the Internal Improvement Fund have deeded to said Canal Company 92,146.69 acres for four sections of said canal, of six miles each in length, embracing that portion of said canal or water-way beginning at St. Augustine and running south through Matanzas River, a total of twenty-four miles. We find the trustees have now in reserve for said Canal Company about 1,383,419 acres of land for which the State has already received patents, and that of the selections made by the State, for which patents have not been received, there will fall within the terms of the reservation about 300,000 acres. The committee made a personal examination of the work done by said company over the entire line of said waterway, from St. Augustine to Jupiter Inlet, at the south end of Indian river. Over that portion extending from Rockledge to Jupiter Inlet we made the trip in a small steamer drawing three and one half ( $3\frac{1}{2}$ ) feet. In this portion of the canal we found the cuts through the oyster and sand bars and underlying strata of coquina rock of a uniform width of forty (40) feet, and, by actual test with a sounding rod, a depth of water in no portion of said cuts less than four and one-half ( $4\frac{1}{2}$ ) feet, while many of the cuts measured six to eight feet deep. From Titusville to the north end of the Halifax river we made the trip in a steamer drawing three (3) feet. On this portion of the canal we found the cuts through the oyster and sand bars and through strata of coquina rock of a like uniform width of forty (40) feet, except the cut through the Haulover, and a depth of water from five (5) to seven (7) feet. The cut through the Haulover we found to be seventy (70) feet wide, except a short distance on the south end, where it has a width below the water level of only forty (40) feet, with a depth of six (6) to seven (7) feet. This cut is through a ledge or bank of rock, rising above the water level from five to eight feet for a distance of over two thousand (2000) feet, connecting the waters of Indian river on the south with those of Hillsborough river or Musquito Lagoon, on the north. The approaches to this cut, at both ends, we found to be fifty feet (50) wide, but the depth of water over the bars which have formed, we found to be only four (4) feet at the south end and three (3) feet at the north end of said approaches, showing that the canal had filled in at these points from two to three feet, if the entire cut was dredged to the same level when the work was first done. This filling in at these points is caused by the rapid current which flows through the Haulover cut whenever the water in one river is raised by the wind, which correspondingly lowers the water in the other river, producing a difference in elevation, at times, of three (3) feet. To obvi-

ate this difficulty in future, the engineer has recommended that a guard lock be built in the cut through the Haulover, by which the flow of water can be controlled and regulated, and that the banks of said cuts be riprapped, or protected with rock, to prevent cross currents from filling them with washings from the sides. On this part of the water-way we found the channel marked with beacons, located and painted in accordance with the rules of the United States Government for designating channels, which renders the navigation comparatively safe and easy. We are informed by the contractors that the work of placing beacons on that portion of the water-way from Titusville to Jupiter, was now in progress and would be completed as quickly as the work could be done. Over that portion of the water-way from St. Augustine through Mantanzas River to the end of the cut made at the south end of said river, we made the trip in a steamer drawing three and one-half ( $3\frac{1}{2}$ ) feet. We found the cuts on this portion of the route from thirty (30) to forty (40) feet wide, with a depth of water ranging from three and one-half ( $3\frac{1}{2}$ ) to six (6) feet, the sides or banks well maintained and in good condition. In view of the above facts, the committee finds the work done by the Florida Coast Line Canal and Transportation Company has not injured the natural channel of the rivers, bays and lagoons through which said work has been done, but on the contrary, has greatly benefitted the channel wherever the same has been dredged, and has been of incalculable value to commerce and navigation by cutting through the oyster and sand bars and the underlying strata of coquina rock, thereby making navigable for an extended commerce over the whole length, so far as the work has been completed, the lagoons, creeks, rivers and bays, which prior to said work were available for only a local commerce. And giving a continuous route for communication by steam boat from the north end of Halifax River to Jupiter Inlet at all times and at all stages of the water, with the exception of the sand bars at each end of the Haulover alluded to above. While making the examination and investigation the committee invited Col. Wrotnowski to accompany them. This gentleman, an engineer of undoubted ability, had recently made a survey of the entire route as far south as Lake Worth, the maps and profiles of which were placed at the disposal of the committee and all points fully explained and all information fully given by him. From these maps and information obtained from the books of the company, the committee find that the company has already excavated over eight hundred and eighty thousand cubic yards of earth, rock and oyster shells, and has expended for work, machinery, engineering and other items over four hundred and fifty thousand dollars. The company has found

it necessary to make the canal wider and deeper than was at first contemplated, and the survey and estimates made by Col. Wrotnowski are for a canal not less than five (5) feet deep for the entire length, with a width of eighty (80) feet in shoal water and sixty (60) feet through solid cuts of land or rock. From these estimates and surveys and from calculations made by Col. Wrotnowski, the committee find that to complete the canal from Augustine to Biscayne Bay, five (5) feet deep—eighty (80) feet wide in shoal water and sixty (60) feet wide in solid cuts, will require the excavating of over 4,342,000 cubic yards, at a cost exceeding one million dollars. To make same six (6) feet deep will require the excavating of over 6,000,000 cubic yards at a cost exceeding one and a half million dollars. The committee think this waterway one of the most important works of internal improvement ever undertaken in the State, and when completed it will be of inestimable value and importance to the commerce of the country at large, to the State of Florida, but especially to those counties through which it is located, whose inhabitants, by reason of the lack of transportation, are denied the profitable returns from agricultural pursuits which a rich soil, a mild and equable climate should justify them in anticipating. The main complaint by the people along the line of the canal arises from the failure of the company to press the work to completion in former years, as the large amount of land held in reserve for the company prevents actual settlement and retards the material development of the country. The committee would recommend such action on the part of the Trustees of the Internal Improvement Fund and the Canal Company as would give to those wishing to become actual settlers the privilege of buying homesteads of eighty acres, and would suggest that the lands held in reserve for the company be graded and a schedule of prices be agreed upon, at which schedule price they be open for sale for homesteads. In view of the great expense attending the completion of the canal, the immense importance of the work to the counties of Brevard and Dade, whose people have heretofore received no benefit from the donations of lands to railroads and canals, a liberal policy toward the company in construing the intent of the Legislature in making grants to said company is recommended, as we feel assured if the completion of the canal should fail of accomplishment by the present company in the near future, it will be delayed for many years to the great detriment of the State, but more especially of those sections contiguous thereto and dependent upon the same for direct transportation. From the printed minutes of the Board of Trustees of the Internal Improvement Fund, it appears that there is some doubt as to the manner of comput-

ing the mileage in the construction of the canal, for which the Canal Company is to receive lands from the State. A resolution passed by the Board on the 9th of March, A. D. 1886 (see printed minutes of the Board for that year, page 28), limiting the mileage to "actual construction of canal," was formally rescinded by the Board on April 26, A. D. 1888 (see printed minutes for that year, pages 28 and 29), and the question is still open. The committee would recommend such enactments on the part of the Legislature as would authorize and require the Trustees of the Internal Improvement Fund to convey to the said Florida Coast Line Canal and Transportation Company, from the land now held in reserve for said company, 3840 acres of land per mile for the entire distance from St. Augustine to Biscayne Bay, upon the completion of a canal or waterway that shall for the entire distance have a channel not less than fifty (50) feet wide and five (5) feet deep, said lands to be deeded to the company upon the completion of sections of six (6) miles each; *Provided*, That no deed shall issue for any sections for a distance of 102 miles, from mile 24 to mile 126 from Augustine south, until the canal shall be cut through the divide separating Matanzas river on the north and Halifax river on the south; and *Provided, further*, that the said canal shall be completed from St. Augustine to Biscayne Bay within five years from the 1st day of June, A. D. 1889.

G. S. HARDEE,  
Chairman.  
C. F. A. BIELBY,  
J. D. TUTEN,  
E. P. DISMUKES,  
G. M. HENDRY.

Mr. Hardee moved that the report of the committee be spread upon the Journal of to-day,  
And that 300 copies of the report be printed;  
Which was agreed to,  
And the order was made.

Mr. Bryant, chairman of the Committee on Appropriations, submitted the following report:

SENATE CHAMBER,  
TALLAHASSEE, Fla., April 19, 1889. }

HON. J. B. WALL,

*President of the Senate:*

SIR: Your Committee on Appropriations, to whom was referred—

House Bill No. 89:

To be entitled an act making an appropriation for the purpose of providing, maintaining and conducting a State exhibit at the Universal Exposition at Paris, France,

Beg to report that owing to the present financial condition of our State, it will not justify this expenditure of money, and owing to the lateness of the season, our Commissioner could not get up a sufficient exhibit to give credit to our State, knowing that the Paris exposition will require from us the very highest type of our products, where they would come in competition with the very best tropical and semi-tropical products of the civilized and enlightened countries of Europe, Asia and the products of Africa, and the products of North and South America, and the islands of the tropics;

Therefore, in consideration of these great reasons we respectfully recommend that this bill do not pass.

Very respectfully,

J. W. BRYANT,  
Chairman Committee.

By permission, Mr. Bielby introduced—  
Senate Bill No. 95:

To be entitled an act to amend section one of chapter 3808 of the Laws of Florida, entitled an act to incorporate an institution of learning at DeLand, Florida, under the name of DeLand University, in such a manner as to change the name of said University to John B. Stetson University;

Which was read the first time by its title, and referred to Committee on Corporations.

Mr. Coulter was excused for the balance of the day on account of sickness.

Mr. Brett was excused until Monday.

Assistant Messenger Stringer was excused on account of sickness.

Mr. Dunn moved that the rules be waived and that

Senate Bill No. 45:

To be entitled an act to provide for the appointment of a County Board of Health in and for the several counties in the State of Florida,

Be taken up from its regular order on the calendar for consideration;

Which was agreed to by a two-thirds vote,

And Senate Bill No. 45 was taken up for consideration and read the second time,

Mr. Hind offered the following amendment:

After word "State," in first line, first section, insert, "with the advice and consent of the Senate;"

Pending which Mr. Dunn moved to make 4 o'clock this afternoon the special order for the consideration of Senate Bill No. 45.

Mr. Yancey moved to make 11 o'clock to-morrow the special order for its consideration ;

Which was agreed to, and the special order was made for to-morrow morning at 11 o'clock.

Senate Joint Resolution No. 22 :

Relating to the appointment by the Governor of three citizens of this State to examine the oyster beds of this State,

Was taken up for consideration,

Pending the consideration of which,

A message was received from the House of Representatives.

Mr. Bielby in the chair.

Senate Joint Resolution No. 22, as amended by the Senate, was read the second time, with amendments offered by the Committee on Fisheries.

Mr. Dunn moved that the amendments offered by the committee be adopted ;

Which was agreed to.

So the amendments were adopted, and Senate Joint Resolution No. 22 was ordered to be engrossed.

#### CONSIDERATION OF BILLS ON SECOND READING.

Senate Bill No. 21 :

To be entitled an act to provide for an amendment to the Constitution of the State of Florida,

Was read the second time.

Also, Senate Committee Substitute for said bill was read.

Mr. Dismukes moved that the substitute be adopted ;

Which was agreed to, and the substitute was adopted.

Mr. Kirk resumed the chair.

Senate Joint Resolution No. 26 :

Proposing an amendment to the Constitution of the State of Florida,

Was read the second time and ordered to be engrossed for the third reading.

House Bill No. 89 :

To be entitled an act making appropriation for the purpose of providing, maintaining and conducting a State exhibit at the Universal Exposition at Paris, France,

Was read the second time.

Mr. Hind moved that House Bill No. 89 be indefinitely postponed.

Mr. Schumacher, in explanation of his vote, said that he was a member of the Board of Trade of Jacksonville, which desired

the passage of the Bill, and that he would vote against the indefinite postponement of House Bill No. 89.

The motion to indefinitely postpone the bill was agreed to, and House Bill No. 89 was indefinitely postponed.

The courtesies of the Senate were extended to Councilman Boyd, of Jacksonville, during his stay in the city.

The special hour for the consideration of Senate Bill No. 40 was announced.

Mr. Hammond moved that the consideration of Senate Bill No. 40 be further postponed and that it be made the special order for 11 o'clock A. M. Thursday next ;

Which was agreed to, and the order for the special consideration of Senate Bill No. 40 on Thursday, 25th inst., at 11 o'clock, was made.

Mr. Hammond moved that the rules be waived and that messages from the House of Representatives be taken up for consideration ;

Which was agreed to by a two-thirds vote.

The following message from the House of Representatives was read :

HOUSE OF REPRESENTATIVES, }  
TALLAHASSEE, Fla., April 19th, 1889. }

HON. J. B. WALL,

*President of the Senate :*

SIR: I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 29 :

A bill to be entitled an act to establish a seal for the office of the Commissioner of Agriculture of the State of Florida ; also,

That the House of Representatives herewith returns to the Senate Senate Bill No. 28 for correction of the title.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Senate Bill No. 28 was read.

Mr. Hammond moved that Senate Bill No. 28 be recommitted to the Judiciary Committee ;

Which was agreed to and the bill recommitted.

Senate Joint Resolution No. 28 :

Memorializing Congress for a continuation of the Geological Survey of the State of Florida,  
Was read the first time by its title.

Mr. Dunn moved that the rules be waived and that—  
Senate Joint Resolution No. 28,

Be read the second time ;

Which was agreed to by a two-thirds vote, and—  
Senate Joint Resolution No. 28,

Was read the second time.

Mr. Hinds moved that the rules be further waived and that—  
Senate Joint Resolution No. 28,

Be read the third time and put upon its passage ;

Which was agreed to by a two-thirds vote, and  
Senate Joint Resolution No. 28 :

Memorializing Congress for a continuation of the Geological Survey of the State of Florida,  
Was read the third time ;

Upon its passage, the vote was :

Yeas—Messrs. Bailey of 16th District, Bryant, Dismukes, Drake, Dunn, Hammond, Hardee, Hendry, Hind, Houston, Jenkins, Kirk, Pirrong, Randell, Schumacher, Smith, Stapleton, Swearingen, Tuten and Wilkinson—20.

Nays—None.

So Senate Joint Resolution No. 28 passed, title as stated.

Mr. Dunn moved that the rules be waived, and the passage of Senate Joint Resolution No. 28 be certified to the House of Representatives at once ;

Which was agreed to by a two-thirds vote,  
And it was so certified.

#### CONSIDERATION OF BILLS ON THIRD READING.

House Bill No. 72 :

To be entitled an act to protect the sponge fisheries on the coast of Florida, and to punish the gathering or catching of sponge by diving, either with or without diving suits or armor ;

Was read the third time and put upon its passage.

Upon the passage of House Bill No. 72 the vote was :

Messrs. Bailey 22d, Bailey 16th, Bryant, Dismukes, Drake, Dunn, Hammond, Hardee, Hendry, Hind, Houston, Jenkins, Kirk, Pirrong, Randell, Schumacher, Smith, Stapleton, Swearingen, Tuten and Wilkinson—21.

Nays—None.

So House Bill No. 72 passed, title as stated.

Mr. Dismukes moved that the Committee on Finance and Taxation be empowered to employ a clerk ;  
Which was agreed to, and it was so ordered.

Mr. Dunn moved that Mr. Stapleton be added to the Committee on Public Health ;

Which was agreed to, and the addition made.

Mr. Hind moved that the Senate take a recess until 4 o'clock P. M. ;

Which was agreed to.

So the Senate took a recess.

#### CONFIRMATIONS.

County Commissioners for Monroe county: Carlos Recio for District One, A. L. Pendleton for District Two, Leander Andrews for District Three, B. B. Walton for District Four, Frank R. Maloney for District Five.

County Commissioners for Clay county: P. C. Fisher for District One, N. B. Ivey for District Two, A. W. Fowler for District Three, V. I. Prevatt for District Four, A. B. Townsend for District Five.

#### FOUR O'CLOCK P. M.

The Senate resumed its session.

President *pro tem.* Kirk in the Chair.

The roll was called, and the following Senators answered to their names :

Messrs. Bailey 22d District, Bailey 16th District, Bielby, Bryant, Dismukes, Drake, Dunn, Hammond, Hardee, Hind, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Schumacher, Smith, Stapleton, Swearingen, Tuten, Wilkinson and Yancey—23.

A quorum present.

Mr. Drake moved that the report of the Chairman of the Committee on Public Printing made on April 17, be adopted ;

Which was agreed to.

The report was adopted and the orders for printing made.

By permission Mr. Hammond introduced—

Senate Bill No. 96 :

To be entitled an act to amend section 1, chapter 3253 of the Laws of Florida, relating to the fees of Notaries Public ;

Which was read the first time by its title.

Mr. Hammond moved that the rules be waived and that Senate Bill No. 96 be read the second time ;

Which was agreed to by a two-thirds vote and Senate Bill No. 96 was read the second time.

Mr. Hammond moved that the rules be further waived and that Senate Bill No. 96 be read the third time and put upon its passage ;

Which was agreed to by a two-thirds vote and Senate Bill No. 96 was read the third time.

Pending the consideration of Senate Bill No. 96,  
A message was received from the House of Representatives.

Upon the passage of Senate Bill No. 96,

The vote was :

Yeas—Messrs. Bailey of 22d District, Bailey of 16th District, Bryant, Drake, Dunn, Hammond, Hendry, Hind, Houston, Jenkins, Kirk, Pirrong, Randell, Schumacher, Smith, Stapleton, Swearingen and Wilkinson—18.

Nays—None.

So Senate Bill No. 96 passed, title as stated.

Mr. Schumacher moved that the rules be waived, and that Senate Bill No. 96 be certified to the House of Representatives at once ;

Which was agreed to by a two-thirds vote, and the bill was so certified.

Mr. Houston moved that the Senate adjourn until 10 o'clock to-morrow morning ;

Which was agreed to, and the Senate stood so adjourned.

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SATURDAY, April 20th, 1889.

The Senate met pursuant to adjournment.

President *pro tem.* Kirk in the chair.

The roll was called and the following Senators answered to their names :

Messrs. Bailey 22d District, Bailey 16th District, Bielby, Bryant, Coulter, Dismukes, Drake, Dunn, Hammond, Hardee, Hendry, Hind, Houston, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Smith, Stapleton, Swearingen, Tuten, Wilkinson and Yancey—25.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

#### INTRODUCTION OF RESOLUTIONS.

Mr. Coulter introduced—

Senate Joint Resolution No. 29 :

Relating to amendment to the Constitution ;  
Which was read the first time by its title and referred to the Judiciary Committee.

Mr. Hendry introduced—

Senate Joint Resolution No. 30 :

Providing for the examining of the Okeechobee Drainage Company ;

Which was read the first time by its title and referred to the Committee on Canals.

#### INTRODUCTION OF BILLS.

By Mr. Hammond :

Senate Bill No. 97 :

To be entitled an act to extend the powers of courts of chancery in this State ;

Which was read the first time by its title and referred to the Judiciary Committee.

By Mr. Pirrong :

Senate Bill No. 98 :

To be entitled an act to incorporate the city of St. Andrews ;

Which was read the first time and referred to the Committee on City and County Organization.

The following message from the House of Representatives was read :

HOUSE OF REPRESENTATIVES, }  
TALLAHASSEE, Fla., April 19, 1889. }

HON. J. B. WALL,

*President of the Senate :*

SIR: I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Memorial to Congress :

Asking for a mail route from Madisonville, in Madison county, to Horse Shoe Bay, in Lafayette county,

And respectfully ask concurrence of the Senate therein.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

House Memorial to Congress :

Asking for a mail route from Madisonville, in Madison county, to Horse Shoe Bay, in Lafayette county,